

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

MANETIRONY CLERVRAIN,

Plaintiff,

MEMORANDUM & ORDER

20-CV-2197 (EK) (LB)

-against-

FRANCIS CISSNA, et al.,

Defendant.

-----x

ERIC KOMITEE, United States District Judge:

Plaintiff Manetirony Clervrain, proceeding *pro se*, filed the instant complaint in May 2020 from federal prison. I dismissed the action without prejudice because Plaintiff failed to submit the necessary Prison Litigation Reform Act authorization form with his complaint. ECF. No. 5. Nearly one year later, Plaintiff, who is no longer incarcerated,¹ filed two motions in this case: one entitled a "Motion for a More Definite Statement for Mitigating Financial Burden or ('IFP') Constitutional Issues by Massive issues ['Right Aggravated' Treatment Act,'" ECF No. 7, and another entitled a "Motion for More Definite Statement for ['Prompt Notices'] or ['Their Expertise Act'] ('TEA'), or Opinions by the National Issues

¹ Plaintiff was released from federal prison on August 29, 2019. See Bureau of Prisons, Inmate Locator, <https://www.bop.gov/inmateloc> (last visited July 14, 2021).

Regulatory Treaties Act ('NIRTA')," ECF No. 8. I now vacate my prior Order dismissing the case, direct the Clerk of Court to reopen the action for purposes of this Order, dismiss the complaint on the merits, and deny Plaintiff's recent motions as moot.

I. Discussion

Because Plaintiff is proceeding *pro se*, I read his complaint liberally and interpret it as raising the strongest arguments it suggests. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Hughes v. Rowe*, 449 U.S. 5, 9 (1980). I must also assume the truth of "all well-pleaded, nonconclusory factual allegations" in the complaint. *Kiobel v. Royal Dutch Petroleum Co.*, 621 F.3d 111, 124 (2d Cir. 2010).

Despite this lenient standard, the complaint still must meet certain benchmarks to survive dismissal. Under 28 U.S.C. § 1915(e)(2)(B), a district court must dismiss an *in forma pauperis* action where it is satisfied that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." An action is "'frivolous' when either: (1) the factual contentions are clearly baseless," . . . or (2) the claim is based on an indisputably meritless legal theory." *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (internal

quotations and citations omitted). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

Plaintiff’s instant complaint must be dismissed under this standard. It identifies no causes of action. Nor does it seek any form of relief. Instead, the complaint references the Immigration and Nationality Act, the Freedom of Information Act, genocide, apartheid, the International Court of Justice, and the Vienna Convention without explaining how these subjects relate to each other or to Plaintiff’s case. Nothing suggests that these defects could be cured by amendment. Therefore, the action is dismissed without leave to amend. See 28 U.S.C. § 1915(e)(2)(B).

II. Conclusion

For the reasons stated above, the Clerk of Court is directed to reopen this case for purposes of this Order. Plaintiff’s complaint, filed *in forma pauperis*, is dismissed. 28 U.S.C. § 1915(e)(2)(B)(i). Plaintiff’s July 2021 motions are denied as moot. I certify pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of any appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45

(1962). The Clerk of Court is directed to enter judgment and close this case.

SO ORDERED.

/s/ Eric Komitee

ERIC KOMITEE

United States District Judge

Dated: July 14, 2021
Brooklyn, New York